

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.249 OF 2003
IN
FIRST APPEAL NO.1104 OF 1994

Santosh Anant Pednekar .. Applicant

Vs.

Dagdu Tukaram Jadhav & Ors. .. Respondents

Mr.G.S.Bhat for the applicant

Mr.S.A.Sawant for respondent no.1

CORAM : A.S.KHANWILKAR, J
DATED : 15TH JUNE, 2006

P.C.:

. Heard the counsel for the parties. Perused the proceedings on record. The only grievance that requires to be considered in this proceeding is whether the respondents committed wilful disobedience of the order of the court on account of increasing the height of structure by about 2 1/2 inch. According to the respondent, however, the repairs and modification of the structure has been carried out strictly in conformity with the permission granted by the Asst. Commissioner and

Board. Reliance has been placed on the communication issued by the Asst.Commissioner dated 25.3.03 which is annexed to the affidavit in reply. The grievance of the petitioner however, is that the respondents were not given any authority or liberty by this court to increase the height of the structure. Permission granted by this court was that the respondent to repair and carry out modification. The argument may be technically correct. However, in my opinion, I am unable to accept the allegation that this conduct of the respondent is wilful disobedience of the order of the court. In view of this opinion, it is not a case for contempt. The contempt petition dismissed Notice of respondents discharged.